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THE CONGRESS AND THE GENERALS: PRE-  
CEDENTS FOR THE LAVELLE AFFAIR

Doris S. Frazier

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26 February 1973

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# SPECIAL PROJECT REPORT



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PRECEDENTS FOR THE LAVELLE AFFAIR

BY

LIEUTENANT COLONEL DORIS S. FRAZIER  
ARMY NURSE CORPS

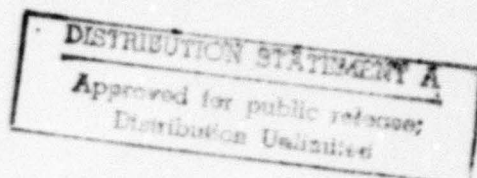
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USAWC RESEARCH PAPER

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PRECEDENTS FOR THE LAVELLE AFFAIR

A SPECIAL PROJECT REPORT

by

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US Army War College  
Carlisle Barracks, Pennsylvania  
26 February 1973

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## ABSTRACT

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The purpose of this project was to examine the circumstances surrounding the reliefs from command of three US general officers: George B. McClellan, Douglas MacArthur, and John D. Lavelle--to ascertain what similarities, if any, exist. Particular emphasis was laid on determining and comparing the interest of the Congress in each case. Two common factors were identified which had major impact: the conflict between the executive and legislative branches, and the historically recurring concern and effort of the civilian authorities to insure control of US military forces. A third element is believed identified. Each general faced a professional dilemma when his military judgment of his situation and its impact on the interests of the United States was not in consonance with the policies and desires of his superiors. The actions each took to resolve the dilemma resulted in his relief and retirement. The circumstances and publicity which have resulted from the Lavelle affair will probably intensify surveillance and attempts at specific direct control by the executive and legislative branches alike of the actions of senior military commanders in the field.

## PREFACE

In a period where the destructive power of weapons possessed by a major military force, if released, would have a cataclysmic effect upon virtually the entire world, it is disquieting to find a general officer of the United States relieved of his command of military operations because he exceeded the authority given him by his civilian superiors. This Special Project, undertaken at the suggestion of the staff of the United States Army Military History Research Collection, was designed to enhance the knowledge and understanding of the writer concerning the control of military forces of the United States by civilian authorities.

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## CHAPTER I

### INTRODUCTION

Questions concerning control of United States military forces by the civilian government have arisen within America throughout the Nation's history, beginning in its earliest period. They have emerged in many guises and have remained a matter of very real concentration by the President, the Congress, the press, and the general public.

Fear of an uncontrollable military force is also evidenced by the frequent publication of popular novels dealing with the theme in one or several of its many aspects. A selected bibliography of writings on civil-military relations, produced in 1971, lists 32 such fictional works published within the last 25 years.<sup>1</sup> United States newspapers and other news media have always vigorously trumpeted any allegation of an action by a military leader perceived as tending toward lessened control of military forces by the civilian leaders of the Federal Government.

A marked example of this recurring phenomenon is the clamor attending the cluster of events which has surrounded the retirement from active duty of General John D. Lavelle of the United States Air Force. Immediately prior to his retirement, which became effective 7 April 1972, General Lavelle was serving as Commanding General of the 7th Air Force and Deputy for Air to General Creighton W. Abrams. General Abrams, an Army officer, was commander of all US forces in Southeast Asia in his capacity as Commanding General, Military Assistance Command (MACV).



A series of events had transpired in connection with General Lavelle's performance of his duties which culminated in his being relieved of his command by the Air Force Chief of Staff, General John D. Ryan, and reduced in grade from general to major general. John Lavelle thus became the first four star general in modern United States military history to be demoted upon retirement.<sup>2</sup>

Relief from high military command has been rare in American military history of fairly recent years. Its occurrence in this instance, together with the subsequent congressional inquiry and investigation into the circumstances which accompanied it, inspired interest in the exploration of possible precedents--precedents for the relief from command, precedents for the expressed concern over continued civilian control of the military, and precedents for the investigatory effort of the Congress in those instances where the acts of senior commanders engaged in combat operations in the field became the object of its interest.

The writing of this paper occurs much too closely related in time to the Lavelle affair to truly assess its meaning and impact in a full historical context. The events as they are now generally known are simply briefly described and compared with selected, apparently similar, occurrences in the past. It is manifestly impossible in an effort of this limited scope to completely review all instances in which a high-ranking United States military officer has been relieved and has become the subject of a congressional investigation. It is possible to select salient outstanding examples for discussion and comparison. This method is utilized in this paper.



Two further limitations are also applied. Only those commanders of major military resources who exercised remarkable responsibility and authority over a substantial geographic area and who were involuntarily relieved of that command responsibility are considered. Finally, in an attempt to seek for comparison officers who exercised responsibilities and functions of approximately equal complexity, commanders of the pre-Civil War period have been excluded.

These criteria guided the choices of Major General George B. McClellan and General of the Army Douglas MacArthur as candidates for comparison with General Lavelle. Each of these was a commander of very major forces, each was relieved of command by direction of the President of the United States, and each was the subject of great and continuing congressional interest. There are others who might well have been included with a resulting more comprehensive treatment of the subject. Some of these will be mentioned in subsequent paragraphs as part of the development of the general background.

In order to lay a foundation for even a cursory comparison and evaluation of these incidents, it is necessary to briefly review the development of civil-military relations in the United States. The nature of civilian control of American military forces and the conflicts inherent in the efforts by the various components of the government to exercise that control are also an integral part of the more specific considerations which are of primary interest. The immediately following chapter is devoted to this preliminary but essential material.

Subsequent to the exposition of the background materials, the stories of the three generals are outlined in the context of a chronological consideration of the exercise by Congress of its investigatory powers in each of the wars in which the United States has engaged. Finally, comparisons are drawn and certain observations are offered relative to similarities and dissimilarities among and between the occurrences.

## CHAPTER I

### FOOTNOTES

1. Arthur D. Larson, Civil-Military Relations and Militarism, compiled by Arthur D. Larson, pp. 17-19.

2. Seymour M. Hersh, "You Might Call it Protective Aggression," New York Times, June 18, 1972, p. E1.



## CHAPTER II

### AMERICAN MILITARY FORCES AND CIVILIAN CONTROL

Soldiers are apt to consider themselves as a body distinct from the rest of the citizens. They have their arms always in their hands. Their rule and their discipline is severe. They soon become attached to their officers and disposed to yield implicit obedience to their commands. Such a power should be watched with a jealous eye.<sup>1</sup>

This comment by an American patriot, Samuel Adams, during the period of the war for American independence, might be taken as the perceived proper relationship which should prevail between responsible civilian leaders and the military forces which support them. This view particularly seems to have been held during the early days of the Nation,<sup>2</sup> but it continues to the present day in perhaps a somewhat lesser degree.

Most American leaders, particularly those in the Continental Congress, were displaced Englishmen who remembered Cromwell and feared the rising prestige and achievements of George Washington might influence him to seek to establish a military dictatorship. Washington's conduct was punctiliously correct throughout his military career and in no instance did it ever suggest such aspirations. Nevertheless, an early concern in the years following the ending of the Revolutionary War was to insure that the military remained the servant of the state and not its master. The Continental political leaders also feared that the Army and Navy could become too closely the creatures of the head of state. A further overriding consideration

was to insure that the government possessing such a force be controlled by legal restraint and subject to the popular will.

What the founders sought was, in fact, a "complex equilibrium"<sup>3</sup> among the authority and influence of the nonmilitary components of the government, the authority and influence of the military, and the desires and rights of the citizenry. The solution to establishing the equilibrium was found in a system of control divided among the components of the Federal Government and the states and an initial reliance upon what was believed to be the "natural military organization of a free people, the military,"<sup>4,5</sup> at the expense of the creation of a significant standing military force.

In essence, it is the political and social institutions of a nation which shape how the military forces will relate to the community. The framers of the Constitution, acting within their milieu of social institutions and political beliefs, identified civilian control with the fragmentation of authority over the military as well as over other elements of Federal power. This doctrine, the separation of power, is a cornerstone of the United States Federal system in most of its aspects.

The founders were successful in their earnest attempt to safeguard the new Republic from the specter of the possible Cromwellian dictator, but they sowed the seeds for continuing conflict among the elements of the civilian government as each seeks to exercise what it perceives to be its responsibility for control of the military.<sup>6</sup> Weighley states, for example:

The very aspects of the Constitution which are frequently cited as establishing civilian control are those which make it difficult to achieve. . . . The military clauses of the Constitution . . . divide civilian responsibility for military affairs and foster the direct access of the military authorities to the highest level of government.<sup>7</sup>

As the civilian responsibilities are primarily divided between President and Congress, it is helpful to examine how these come into conflict.

#### THE PRESIDENT

. . . The President shall be commander in chief of the Army and Navy of the United States, and of the militias of the several states, when called into the actual service of the United States. . . .

#### Article II, Section 2, the Constitution

The principal military powers of the President are specified by the Constitution as indicated above. In the youthful days of the Republic, it was not considered beyond the realm of possibility that the Chief Executive should exercise actual military command in the field as did Washington in the instance of the Whiskey Rebellion of 1794. This concept is no longer held, but the lack of elaboration of the vaguely defined powers of a commander in chief, an office held conjointly with that of the Presidency, has posed continuing problems for executive-legislative relations. In the absence of specification of a function, as "to command the Army and Navy," the inference can be drawn that the office holds not only purely military but military-related other powers as well. The original concept



underlying the uniting of the two offices was that an elected head of state, who was also commander in chief of the military, would be less tempted to imitate Caesar or Cromwell than the purely military commander, and the possibility of a military takeover of the government would be lessened.

American Presidents did not immediately seek to exploit the possibilities of the power inherent in their dual offices. Although James Madison did take a direct hand in the planning of the defenses of the city of Washington in 1814, it was probably James K. Polk who first strongly demonstrated the exercise of the military aspects of his combined offices. No United States President has permitted his constitutional office as commander in chief to atrophy,<sup>8</sup> but Polk greatly enhanced actual civilian control while leading the effective conduct of the war. He selected commanders, prepared basic operational instructions, chose the objectives of the campaigns, and established the criteria for a return to peace; among them Winfield Scott's march across Mexico and the conquest of Mexico City. Perhaps even more importantly in the context of the precedents which he established for his successors, President Polk established the practice of presidential review and revision of the Treasury-developed War Department budget prior to dispatching it to Congress. In 1847, feeling that the estimate was too high, he drew up his own budget for submission in its place.<sup>9</sup>

Abraham Lincoln still further expanded the power and influence of the Presidency in military and related affairs. He joined the commander in chief clause of the Constitution to the portion which

makes it the duty of the President to "take care that the laws be faithfully executed." From this base, he derived a concept of the war powers which, in essence, gave Mr. Lincoln ". . . quasi-dictatorial powers to see . . . that no harm befell the Commonwealth." This extension of power by President Lincoln enhanced civilian control of the military as well, for at no time did he give over full control of military operations, not even to Grant.<sup>10</sup> It is President Lincoln's struggles against congressional attempts to usurp his authority over the military which are probably most widely known.

The nonmilitary actions, largely legislative in nature and based on the war powers concept, which were taken by such strong Presidents as Polk and Lincoln--and in modern time, Franklin Roosevelt and Truman--have led to broadened conflict between the institutions of the Presidency and the Congress. This conflict in turn has had the indirect effect of impeding civilian control by tending to draw military leaders into the political controversy between the President and Congress.<sup>11</sup> Even in 1973, the war powers concept continues to stir internecine conflict between the legislative and executive branches and to overshadow and influence military leaders and military operations.<sup>12</sup>

#### THE CONGRESS

The Congress shall have power . . . :

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress. . . .

Article I, Section 8, the Constitution

This is indeed a very substantial listing of powers; those related to the military which are derived from them and from other provisions of the Constitution are even broader. Among these are the responsibility to authorize recruitment and legitimize compulsory inductions; to determine the total numbers of military members and to distribute the strength among the various components; to furnish equipment and provide maintenance; to raise and appropriate necessary monies; to pass the legislation necessary to broaden executive authority in all areas of national life involved in war; to enact the enabling legislation which makes possible the transition from peace to war and the marshaling of the Nation's resources, as well as the return to normalcy subsequent to hostilities; to enunciate long-term policies which point at the ultimate ends toward which the President should direct his efforts; to establish and provide the basis for the necessary administrative agencies through which legislative and



executive direction are carried out in realization of national security programs and to set standards for the operations of these agencies, to investigate their activities, and to criticize their performance.<sup>13</sup>

The exercising of this partial listing of responsibilities by a zealous Congress furnishes many obvious areas of potential conflict with a strong President who is equally concerned that his responsibilities are carried out and his prerogatives are safeguarded from encroachment. The passage of time with its accompanying accumulation of precedents by each branch of government has tended to see, in the eyes of some, a lessening of effectiveness of the Congress as a force in the general area of national security. The Congress has been accused of simultaneously abdicating its own role while attempting to usurp that of the Chief Executive and Commander in Chief.

In recent periods, the congressional monopoly over the declaration of a state of war seems to its members to be eroded and diminished. Although the legal base has remained unchanged, the President's virtual total control over foreign relations and the utilization of the armed forces can place the Nation in a position where war becomes inevitable or is actively engaged in without congressional action. A certain amount of antagonism and an adversary relationship have often resulted. Congressional and public charges of deliberately contriving war have been leveled against every wartime President, past and present.

It is perhaps natural that constitutional powers exercised in peacetime by the legislative branch would tend to be largely relinquished in wartime to the executive branch in order to expedite the

effectiveness of the national security program. These executive actions, reorganizations, and initiatives are normally provisionally established by the executive for a limited time after which they may be amended or rejected by Congress. As a consequence of the requirement to function in the interim, the necessary accompanying detailed rules and regulations, which make possible the translation of broad policy objectives into the actualities of effective operation and administration, are not made in Congress either. Although a long-standing practice, this total process "continues to trouble many members of Congress and give them a sense of impotence so far as their ability to influence the role of government . . . is concerned."<sup>14</sup>

The major recourse of the Congress to deal with this feeling of impotence and to enable it to fulfill its very real responsibility to its constituents lies in its powers of investigation and fiscal authority, coupled with criticism and publicity. These powers allow the Congress to go beyond accounts and records to matters of appraisal of performance and thereby opens to its scrutiny virtually the entire field of administrative activity. Through the utilization of its fiscal authority, Congress vitally affects the kinds of war the country will be able to fight. The exercise of the power of the purse clearly relates to and influences military strategy and tactics, matters which are not directly within the legal competence of the legislative but which belong to the President in his role as commander in chief.<sup>15</sup>

To further emphasize this basic stress underlying the executive-legislative conflict and the problem of civilian control of the military, Huntington states, "Both Congress and the President are fundamentally concerned with the distribution of power between executive and legislative rather than between civilian and military."<sup>16</sup> Writing elsewhere, he further says,

Congress, as a whole, is not basically pro-Army, pro-Navy, pro-Air Force, or even pro-Marine Corps. It is simply pro-Congress. Its sympathies and policies change with the needs of the times and against the desires of the President.<sup>17</sup>

The overall effect of this conflict and apparent parochialism has rebounded to the enhancement of national security although it has at times hampered the timely exercise of the decisionmaking process. The particularism and parochialism of the President and the Congress appear to carry out the intent of the founders to arrive at a balance between them. The balance reflects two root principles which undergird the prerogatives of each branch relative to national security policy. One of these, drawn from Anglo-American constitutional tradition, holds that no single branch of the government should be entrusted with unlimited power; the other is derived from the unique American theory of military preparedness, ". . . the national government . . . should be entrusted with nothing less than unlimited power."<sup>18</sup>



## CHAPTER II

### FOOTNOTES

1. Samuel Adams to James Warren, quoted by Don Higgenbotham, The War of American Independence, pp. 205-206.
2. Russell F. Weighley, History of the United States Army, pp. 1-116. Contains an interesting discussion of the formation of this attitude among Americans, as does Higgenbotham, Ibid., pp. 204-205.
3. Ibid., p. viii.
4. D. W. Brogan, "The United States, Civilian and Military Power," in Soldiers and Governments, ed. by Michael Howard, pp. 169-185.
5. Michael Howard, "Introduction," in Soldiers and Governments, ed. by Michael Howard, p. 12.
6. Sam C. Holliday, The Tao of Thor, p. IV-4.
7. Weighley, p. 163.
8. Samuel P. Huntington, The Soldier and the State, pp. 187-188.
9. Weighley, pp. 175-177.
10. Brogan, pp. 174-175.
11. Huntington, p. 179.
12. See for example: Arthur Schlesinger, Jr., "Congress and the Making of American Foreign Policy," Foreign Affairs, October 1972, pp. 78-113; and US Congress, Senate, Committee on Foreign Affairs, War Powers Legislation Hearings, 1971.
13. Louis Smith, American Democracy and Military Power, pp. 153-154. Professor Smith devotes great attention to the conflicting responsibilities and activities of the executive and legislative branches of the Federal Government in relation to military forces. The book is an excellent basic reference reading in the field.
14. Ibid., p. 159.
15. Ibid., p. 166.

## CHAPTER II

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7. Weighley, p. 163.

8. Samuel P. Huntington, The Soldier and the State, pp. 187-188.

9. Weighley, pp. 175-177.

10. Brogan, pp. 174-175.

11. Huntington, p. 179.

12. See for example: Arthur Schlesinger, Jr., "Congress and the Making of American Foreign Policy," Foreign Affairs, October 1972, pp. 78-113; and US Congress, Senate, Committee on Foreign Affairs, War Powers Legislation Hearings, 1971.

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14. Ibid., p. 159.

15. Ibid., p. 166.

16. Samuel P. Huntington, "Civilian Control of the Military: A Theoretical Statement," in Political Behavior: A Reader in Theory and Research, ed. by Heinz Eulaw, Samuel J. Eldersveld, and Morris Janowitz, p. 382.

17. Huntington, The Soldier and the State, p. 421. The entire chapter, "The Separation of Powers and Cold War Defense," pp. 420-427, is of great interest and value.

18. Captain Gerald Garvey, "Civilian Control, the Preparedness Power and the Twilight of Congress," in Air Command and Staff College, Military Management Readings, Vol. 2, p. 25.

## CHAPTER III

### CONGRESS AND ITS INVESTIGATIVE FUNCTION

The three primary avenues by which Congress seeks to exercise its constitutional restraint upon the Presidency and to use its powers relative to military affairs are statutes, appropriations, and investigations. These weapons are normally wielded through the efforts of the standing and special committees. The committee structure of Congress provides to the total body capability for deliberation and legislation in small sections, enabling the Congress to promulgate general policy, to determine official duties and financial requirements, and to exercise surveillance of the administration and effectiveness of laws. It allows as well for military influence and views to be made visible to the Congress through appearances of military officers before the committees and through information furnished by the military services in response to congressional requests.<sup>1</sup>

Congress' concern in the area of national security policy has most often been focused on its military adequacy, on its managerial effectiveness, and on the question of continued civil control.<sup>2</sup> The legislative branch strives to satisfy itself that the on-the-ground exercise by the military of national security policy is legal, appropriate, and acceptable.<sup>3</sup> Its investigative interest is often piqued and heightened by the degree of popular acceptability or non-acceptability of a particular element of policy or a military action.

The asserted right of Congress to investigate or intervene in military matters is best illustrated by the activities of the series of bodies created by the legislative branch which are individually known by differing names but which may be characterized by a title such as the Congressional Committee on the Conduct of the War. In each war, except the war with Spain, such bodies have been created or the investigative function was carried on through some related congressional action.

Arguments have been presented against such committees, often from within the Congress itself, holding that the activities constitute an invasion of the prerogatives of the Chief Executive as commander in chief. Two Supreme Court decisions, at least, have supported the Congress' obligation to formally investigate military matters. By ex parte Milligan, the legislative power of Congress was held in 1866 to extend to all aspects of the conduct of the war except those which could interfere with command of forces and the conduct of campaigns. A 1926 ruling, McGrain vs. Daugherty, held in part that the "power of inquiry--with process to enforce it-- is an essential and appropriate auxiliary to the legislative functions."<sup>4</sup> Congressional activities of this type have been carried on far too long to be attacked on the grounds of constitutionality; they exist by prescriptive rights of long custom. It is useful to examine examples of the course of congressional inquiry through the years.



## REVOLUTION AND CONFEDERATION PERIOD

During the war for American independence, the executive and legislative powers were combined in the Continental Congress. In the early years, it managed military support, administration, and operations through a multiplicity of small committees. The wasteful fragmentation and duplication of uncoordinated effort was finally lessened through the creation of a Board of War and a Marine Committee with responsibility for supervising land and naval operations respectively. These groups were constantly inclined to interfere with details of strategy and tactics as well as to formulate major planning of the conflict. The constant bugaboo in the period continued to be the fear of a military seizure of power--a legacy from the English Civil War of the preceding century.<sup>5</sup>

The Congress, under the Articles of Confederation, early discovered the efficacy of formal investigations as a means of insuring the conduct of fighting was in line with the intent of the legislation. In November 1791, the Congress authorized the President to call one additional regiment of troops into service for 6 months to march against the Indians in the Northwest Territories. The strength of the Army was thereby doubled as only a single regiment was in service prior to this Act. The command of this force was given to General Arthur St. Clair, an ex-British officer who had served the Continental cause during the Revolution. There was a less than enthusiastic response in terms of enlistments; provisioning and equipping moved very slowly. Paid only two dollars a month, the

troops were of poor quality and apparently very inadequately trained due to the illness of St. Clair and the lassitude of other officials. Once in the field, St. Clair split his two regiments and one column fell into an Indian ambush. His troops broke and fled, leaving their wounded to be scalped. The column was destroyed and half of its force, 632 men, were killed.<sup>6</sup>

A congressional committee was created by the House of Representatives in March of the following year to inquire into the cause of St. Clair's defeat. There was some extensive debate as to whether it was appropriate for the Congress to investigate the acts of officers under the executive's control, but the measure passed. The clinching argument in favor of proceeding was the House's recognized responsibility for inquiry into the expenditure and use of public funds. This committee was empowered ". . . to call for such persons, papers, and records as may be necessary to assist in their inquiries." St. Clair was enonerated and the disaster blamed on "mismanagements and neglects in the Quartermaster's and Contractor's Departments" and upon the lack of discipline and training.<sup>7</sup> The competence of the Congress to institute such inquiries in the future was further strengthened by the acquiescence of the President in the broad powers authorized the committee.

#### THE WAR OF 1812

The right of Congress to inquire into the actions of a military commander was again exercised in 1810 with the inconclusive investigation by the 11th Congress into the conduct of one of the Army's

most senior officers, Brigadier General James Wilkinson, concerning his alleged relationship with the government of Spain. The career of General Wilkinson, surely one of the most self-seeking and devious individuals ever to wear an American military uniform, is well-documented and will not be further detailed. In this instance, although it was a most thorough exploration, the investigation resulted in a verdict of "not-proven." The leadership of the Army, characterized by General Wilkinson, was almost moribund upon the Nation's entry into the War of 1812.<sup>8</sup>

The constant failure of American arms led the Congress to again seek to inquire into the course of events. Two resolutions were offered by Bradley of Vermont; the first sought to have an investigating committee appointed and the second, which was adopted, instead called upon the President to furnish to the House of Representatives any information in his possession, not improper to communicate during an active war, concerning the causes of failure. There was much debate centered upon the proposed investigation possibly offering aid and information to the enemy, but relatively little question of the right of Congress to inquire into acts of executive agencies.<sup>9</sup>

#### WAR WITH MEXICO

During the war with Mexico, congressional opposition reached a fever pitch. Although no investigating committee as such was convened, Smith states, ". . . It may be correct to say that in the Thirtieth Congress, the House of Representatives, with its Whig

majority, frequently functioned as a Committee of the Whole on the Conduct of the War." The Whig Party opposed the Democratic President and advocated limitation of the powers of the executive branch of government. Smith further mentions that the discussions seldom attained a profound or edifying level.<sup>10</sup>

The period was characterized not only by intense conflict between Congress and the President, but also by active Presidential aspirations on the part of Generals Winfield Scott and Zachary Taylor, both Whigs. In fairness, it must be said that the generals appear, for the most part, to have attempted to separate their military responsibilities from their political sentiments. However, this may at least in part account for President Polk's very active personal involvement in the direction of the war which was earlier noted. As a further exemplification of the political nature of the war with Mexico, Polk asked Congress to create a position of overall command of the Army, in the grade of lieutenant general, to which he planned to appoint Democrat Thomas Hart Benton. Not surprisingly, the Whig-dominated Congress declined to do so.<sup>11,12</sup>

#### THE CIVIL WAR

To what extent . . . may the unprofessional civilian control military policy and decide questions of strategy and tactics?<sup>13</sup>

This question has probably never been more thoroughly explored than during the Civil War. During that period, a Joint Congressional Committee on the Conduct of the War sought and secured a remarkable

degree of influence over military strategy and tactics as well as over all other aspects of the war. In addition, this provoked a bitter, continuous, and vigorous conflict between the legislative and executive branches. The membership of the Committee was radical in bent. Most were Republicans. Only three Democrats served; one, Andrew Johnson, resigned in 1862 to become military governor of Tennessee. The other two Democrats were extreme advocates of the radical position.

The establishment of the Committee arose from several basic causes: first, the Union suffered spectacular reverses early in the war occurring almost on the doorstep of the Capitol, which aroused Congress' impatience with what it perceived to be the ineptitude of military leadership; second, the radicals in Congress mistrusted President Lincoln's motives and skill in handling the war; and, third, most of the leading Union generals and heads of the various departments of the Army were Democrats who were not radical on the slavery question.<sup>14</sup>

The radical Republicans and, to a lesser degree, the War Democrats saw the war as a crusade to destroy the institution of slavery and to punish those who had promulgated and sustained it. Lincoln's goal was the preservation of the Union, and he counted on a policy of moderation to hold together his coalition; further, extremist actions against slavery could well have cost the Union the border states. Both Congress and the President tried to maximize its own influence by securing the appointment of officers generally



sympathetic to their views on military matters and the war, and to block the appointment of those who were opposed.<sup>15</sup> Politics dictated appointment to high posts in the Army. "Influence was equally important in the Navy and Marine Corps, although in these services it was more personal in nature, with nepotism not uncommon."<sup>16</sup>

The Congressional Committee on the Conduct of the War was the most powerful and unusual investigative body concerned with military operations ever established by the legislative branch.<sup>17</sup> As such, it deserves discussion in some detail. The powers conferred upon it were almost plenary in nature. It was legally empowered to inquire into any activity of the public agents immediately or remotely associated with the prosecution of the war. Few areas of public administration escaped its scrutiny although the eight volumes of its testimony seem most concerned with matters closely related to military operations and command.<sup>18</sup>

The Committee grew progressively more radical and its corporate political convictions pervaded every aspect of its deliberations and activity. Its evaluation of military officers is characterized by one modern critic as follows:

Army officers . . . fell into two classifications; those who were 'great generals' and those who were 'fool and traitor generals' . . . First and foremost, a great commander should be a Republican, and not a Republican of the Lincolnian breed . . . Unless his 'heart was in the right place'--unless, that is, a general stood for immediate emancipation of slaves and their speedy accession to the rights of citizenship--all the genius of a Caesar would avail him nothing.<sup>19</sup>

The Committee members had neither military education nor expertness, but as a group they exhibited ". . . profound contempt for any claims that military service was a specialized, technical subject." The Committee saw West Point not only as the headquarters of military ineptitude and a place where ridiculous stress was laid on such technicalities as strategy, exhaustive preparation for campaigns and battles, and lines of supply--but also as a school for proslaveryism and, therefore, for treason.<sup>20</sup> As a consequence, it had no compunction about disciplining general officers and commanders who did not meet its political or military expectations. In other instances, the Committee intensely supported officers whose attitude toward slavery and the South met with its approval.

Military officers called before the Committee also reacted in accord with their political opinions. Most West Pointers viewed the Committee as a meddling civilian agency and objected to furnishing it with purely military information, especially as it pertained to future plans. The younger officers often declined to furnish the desired testimony, while other regulars, more radical in politics, maintained close relations with the Committee and were often highly critical of their superiors. Those officers coming from civilian life generally readily supplied whatever was requested.<sup>21</sup>

It was not a court but rather tended to function as a grand jury.<sup>22</sup> Its tactics and practices were often inquisitorial and some compared the Committee Chairman, Benjamin F. Wade, to Torquemada.<sup>23</sup> The penalty for an officer's military failure or perceived lack of

aggressiveness often was an appearance before the Committee. Hearings were held in secret; witnesses were questioned without being permitted presence of counsel, without their having access to previous testimony or to the nature of the charges being addressed; testimony was leaked by members although they were sworn to secrecy; and the Committee often omitted to call witnesses whose testimony might be sympathetic to those against whom its antipathies were aroused.

The attention of the Committee on the Conduct of the War was concentrated upon the Army of the Potomac, for in its own words,

Had that Army fulfilled all that a generous and confiding people were justified in expecting from it, this rebellion had long since been crushed. . . . The failure of that Army has prolonged this contest . . . with all its expenditure of life and treasure, for it has to a great extent neutralized . . . our glorious victories in the West.<sup>24</sup>

This concentration brought Major General George B. McClellan under its intense scrutiny, and the Committee's actions and pressures upon the President and his Cabinet contributed in large measure to McClellan's eventual relief from command.

#### General McClellan<sup>25</sup>

The Committee was essentially a product of the times; the people of the times expressed a contempt for technical education and a preference for amateurism in war. The Committee's political criteria for assessing the ability of a general was but a reflection of the spirit of the period.<sup>26</sup> It was almost foreordained that General McClellan should come into its disfavor.

George McClellan was a West Point graduate and one of the new breed of professional military officers which had developed in the Army in the post-Mexican War period. He was a disciple of Jomini; he moved too slowly, perhaps in part because he insisted on an almost academic perfection of troops, equipment, and organization before he would commit his forces. McClellan had had a brilliant career and arrived at senior command a very young man. While a captain, he had been one of three Army officers sent by then Secretary of War, Jefferson Davis, to observe and report on the Crimean War and on the armies of Europe. He was articulate and skilled in several languages.

McClellan was called to be commander of the Union Army in the field on July 27, 1861, following its defeat at Bull Run, because of his success in the invasion of western Virginia. He held that area for the Union, but unfortunately for his future relations with the Congressional Committee on the Conduct of the War, had proclaimed on arrival there that he "had not come to interfere with the property of Virginians, especially with their property in slaves."<sup>27</sup> This did not endear him to Congress, to the northern press and public, or to the members of the Committee.

Yet upon his arrival in Washington, he was greeted with almost universal adulation and respect. He was a man who inspired devotion in his troops, perhaps out of proportion to his later accomplishments. The storm of unprecedented praise apparently turned the head of the young man (McClellan was 34 at the time), and as a turn-of-the-century

writer, perhaps exaggerately, put it, ". . . the fixed idea that God had placed him there to save his country became the fatal delusion that it could be saved by him alone."<sup>28</sup>

McClellan withdrew his official military headquarters from the War Department offices to his quarters; he bypassed both the Commanding General of the Army, Winfield Scott, and the Secretary of War, Simon Cameron. He acknowledged no superior but the President, but came to regard questions even from him as civilian "meddling" in military matters. Although his organizational ability and leadership restored morale and apparent potential military effectiveness to the demoralized and defeated Army, his relations with his civilian superiors steadily deteriorated.

Initially, Senators Wade and Chandler, and soon-to-become Secretary of War Edwin Stanton, had supported McClellan's appointment. All through the summer and early fall McClellan trained his army. In October, Wade and Chandler visited him in his camp and tried to stir him to battle. They came away believing that McClellan and his subordinates were in sympathy with the South and hopeful a compromise would make battle unnecessary--thus explaining the inactivity of the Army of the Potomac. Following McClellan's appointment as Commanding General of the Army replacing General Scott, President Lincoln in early December urged that he take the field. General McClellan declined, arguing that he was confronted by an overwhelming force.

The Committee became convinced that McClellan hoped to prolong the war until civilian unrest could restore the Democrats to power.



McClellan was alleged to be aligned with the element of the Democratic Party which was "soft on slavery," and his early association with Southern cadets at the Military Academy and his preference for Southern associates in subsequent years were remembered.

Concern was also felt by President Lincoln and the Congress alike that the apparent success of the Confederate forces in holding the huge Union army penned up near Washington would be seen by European governments as an indication of an eventual victory for the South. Lincoln feared recognition of the Confederacy by foreign governments would result in disastrous diplomatic and military consequences.

On January 6, 1862, the Committee met with Lincoln and his Cabinet, demanding the President order McClellan to advance. They bitterly condemned his generalship and ability. Met with refusal, the Committee a week later interviewed McClellan in an off-the-record conference. They were unable to gain knowledge of his future plans or to stir his resolve to advance.

Turning to Edwin Stanton, who had now become Secretary of War, Wade and Chandler disclosed this secret testimony and succeeded in gaining his support. Stanton became almost inaccessible to McClellan, although members of the Committee had access to him in his offices at any time. Together, Stanton and the Committee continued to pressure Lincoln to order an advance. Wars, they said, could only be won by aggressive acts and fighting.

Lincoln gave in to their urging and to his own impatience, and in an almost unprecedented act, on January 27, 1862, issued

Presidential General War Order Number 1, which directed that a general movement of the Army take place by February 22. A few days later Presidential Special War Order Number 1 specifically ordered that General McClellan attack the Confederate forces in the vicinity of Manassas Junction.

McClellan demurred, arguing that the forces facing him were too great for a frontal assault. He submitted instead a plan to embark on an attack toward Richmond from the east with his force being moved by water along the Potomac River and Chesapeake Bay. Lincoln, bowing to McClellan's military judgment, agreed. Planning ensued, preparatory events were set in motion, but the force did not embark.

The Secretary of War and the Committee again came to the attack. In a heated discussion, Senator Wade announced that unless the Army of the Potomac moved, he would seek a congressional resolution directing the President to order McClellan to either advance or be relieved of his command. Lincoln, believing he had no one to succeed McClellan in command, sought once again to have him begin operations. He advised McClellan of the bad feelings building up against him among key officials of the government and of the allegations that he was disinclined to attack the South.

Meanwhile, the Committee, seeking a more effective military organization, desiring commanders more to its own political taste and a lessening of the number of troops under McClellan's direct command, urged Lincoln to split the Army of the Potomac in separate corps, each to be headed by a major general. McClellan, while agreeing in

principle, declined to take action as he felt he had no battle-tried commanders to whom he could entrust a major general's responsibilities. He assumed that he would designate the commanders. The Committee continued to pressure the President. Finally, and without further consultation with McClellan, Lincoln issued the Presidential General War Order Number 2, dividing the Army into four corps and naming to the commands four officers of the Committee's choice. On the eve of the Peninsular Campaign, McClellan found himself with major subordinate commanders whom he had not selected.

As General McClellan was at last beginning on his planned campaign to attack Richmond via Chesapeake Bay, the Confederates withdrew secretly from their positions near Manassas. Exploration of the abandoned lines disclosed that their strength had never approached McClellan's estimate and that many of the emplaced guns he had feared were wooden replicas. This aroused much unfavorable and derisive comment in the radical press and from members of the government.

President Lincoln, fearing a Confederate attack on Washington during McClellan's campaign to the South, had charged McClellan to leave behind a specified number of troops to protect the Capitol. The Committee on the Conduct of the War began immediately to charge that McClellan had purposefully stripped Washington of its protection. They gained an ally when General Wadsworth, commander of the defense force, came to the War Department on April 2, stating that the troops available to him were inadequate in number. The Secretary of War,

the Committee, and General Wadsworth convinced Lincoln that the city "lay helpless before the Confederates." McDowell's Corps was detached by the President over McClellan's strenuous objection and held near Washington.

The military story of the Peninsular Campaign cannot be detailed, but McClellan was less than aggressive, was again deceived by Confederate ruses and faulty intelligence into believing that he faced forces far larger than actually existed. A series of very bloody encounters and mishaps ensued. Although not overwhelmingly defeated, McClellan decided upon a withdrawal even though certain of his subordinates tried to persuade him that Richmond could be taken with a resolute campaign.

Subsequent to this withdrawal, President Lincoln visited McClellan in his camp at Harrison's Landing to confer with him concerning the future course of his plans. The defeated general undertook to give to the President a letter containing his views on the political controversies of the day and outlining a plan for correcting the national strategy through successful prosecution of the war along the lines proposed by the conservative Democrats. Even had his plan been sound and within the area of his professional competence, experience, and responsibility, McClellan's sense of timing left much to be desired. According to Hendrick, "His greatest admirers . . . regard it as the most deplorable mistake of his career."<sup>29</sup> It was seen by many as a purely political manifesto and as the opening of a campaign for the Democratic presidential nomination.

In Washington, the Committee heard testimony from General John Pope which roundly criticized McClellan's military campaign and which offered a counter plan. Utilizing this secret testimony, Senator Chandler bitterly attacked McClellan from the Senate floor. The President, patience with McClellan at an end and subjected to unrelenting pressure from the Committee, gave in. Presidential Special War Order Number 3 relieved McClellan as Commanding General of the Army, transferred the bulk of his forces to Pope's command, and left him as commander only of the Department of the Potomac.

General Pope's army was thrashed by Lee at Second Manassas in August. The Congressional Committee on the Conduct of the War blamed McClellan for the disaster, charging that he had been treacherously slow in sending the remainder of his forces to Pope's relief. Once again, the shattered Army of the Potomac fell back on Washington and the task of rebuilding loomed large on the horizon.

In what must undoubtedly have been an extremely difficult personal decision, the President humbled himself and asked the superb organizer, General McClellan, to resume command in order to restore and retrain the Army. The action was almost unanimously opposed by the Cabinet, the Congress, and the newspapers of the North.

McClellan's genius for organization and inspiration enabled him to again bring the Army of the Potomac into fighting trim. He gained a strategic, albeit costly, victory over Lee at Antietam but once more failed to pursue, pleading that his forces were exhausted

and required resupply. Lee made good his withdrawal toward Richmond. Lincoln, once more pressed by the Committee on the Conduct of the War and by Stanton, and again at the end of his patience, ordered McClellan relieved. He was directed to report to the War Department for further assignment.

The Committee on the Conduct of the War could, with good justification, claim to have played a major role in McClellan's removal. Although General McClellan's true military capability has continued to be debated through the years, the question of his ultimate loyalty to the Nation is resolved favorably by most current writers. His political inclinations obviously were not those either of Lincoln or the radicals; their bearing on his military operations, if any, are as yet unclear. There is little doubt, however, that George McClellan did contribute to his own eventual removal. He continues to have strong defenders among modern scholars.<sup>30</sup>

The determined efforts of the Congressional Committee on the Conduct of the War to control military operations and to dictate appointment of senior military personnel is unmatched in the history of the United States. President Lincoln was able to retain control of his administration until his death, but for the remainder of the century the Congress exercised the dominant role in the American government. There is no doubt that the radicals of 1861-1863 sketched the broad outlines of the blueprint that "created the political structure of modern America."<sup>31,32,33</sup>

The Committee's actions have continued to be directly influential, for as Weighley states, "If Harry S. Truman profited from its



mistakes in handling his own congressional investigating committee during World War II, as he says he did, he also worked upon a foundation of congressional prerogatives which the Committee on the Conduct of the War helped erect."<sup>34</sup>

#### THE SPANISH-AMERICAN WAR

Much public and congressional furor surrounded the war with Spain and many accusations of wastefulness, corruption, and mismanagement were levied. The War Department and the Secretary of War, Russell A. Alger, became the scapegoats for the press and the public. A congressional investigating committee might well have been appointed, but President McKinley short-circuited the possibility through establishment of an executive investigating commission headed by Grenville M. Dodge. Although accused of "whitewash," the Commission did direct attention to basic weaknesses in the military organization and preparedness of the country.<sup>35</sup>

#### WORLD WAR I

In World War I, President Wilson maintained exclusive control of the military. He kept the war "professional. . . . There was no equivalent of the Civil War political generals."<sup>36</sup> Theodore Roosevelt, who claimed his Spanish-American War experience and tenure as commander in chief qualified him to lead a division in France, was not allowed to serve.

Early in the war, Senator John Weeks of Massachusetts called for creation of a Committee on the Conduct of the War and cited the

Civil War precedent. His amendment, attached to a Food Control Bill, was opposed by Wilson; House members of the conference committee blocked its passage. Accordingly, the Senate Committee on Foreign Affairs undertook to act as a sort of de facto investigating committee. It held hearings which rapidly became an unproductive catch-all for criticism and complaint. Senator George Chamberlain of Oregon introduced a proposal to create a group of three citizens who would function as a sort of war cabinet to supervise, coordinate, direct, and control the functional activities of all executive departments, officials, and agencies; which would consider and determine all differences and questions relating to the conduct of the war as would arise in the executive branch; and, which would issue orders and take such decisions as were required for any department, bureau, official, and agency of the government.

The enactment of this proposal would very clearly have amounted to a "no confidence" vote. President Wilson fought it and gained majority support instead for the Overman Act, which gave to the Executive full authority to redistribute functions and organizations within the executive branch. The Chamberlain Bill was dropped as were scores of other tentative investigations, none of which produced evidences of fraud or mismanagement by Wilson or his associates.<sup>37</sup>

## WORLD WAR II

In the period between the World Wars, the Congress was primarily concerned with the supply and logistics elements of the military

services. In relations with Congress, the military chiefs functioned as technical experts rather than as heads of their services. The Budget and Accounting Act of 1921 prohibited military comment unless requested by the House or the Senate. As the Congress was uninterested in professional military matters, the chiefs of the services could not offer estimates of their perceived military requirements, but rather could only loyally support the stated program of the President.<sup>38</sup>

Senator Arthur Vandenburg of Michigan did propose a Congressional Committee on the Conduct of National Defense, designed to prevent President Franklin Roosevelt from utilizing special funds granted for building national defense prior to the United States becoming involved in active hostilities, except as authorized by the proposed committee. The Democratic majority of the Senate rejected this effort as it did a proposal by Senator Maloney to create a Joint Committee on War Problems to advise the President and the Administration.

The best known investigating body of the Congress during World War II was the Special Committee to Investigate the National Defense Program. The efforts of this Committee, headed by Senator Harry S. Truman, represented an impressive example of constructive contribution by the legislative branch to the successful management of the war by the Executive. A ghost of the Civil War Committee, the fear of political involvement in technical military matters, still haunted the Congress. The Truman Committee specifically exempted military

strategy and policy from its attention and concentrated on production and economic mobilization. It did not hesitate to chastise the military when delinquencies existed in these areas. It especially eschewed party politics. This Committee wielded an enormous influence for economy, efficiency, and the overall good, and contributed much to the successful prosecution of the war.<sup>39,40</sup>

At the end of World War II in September 1945, a Joint Committee on the Investigation of the Pearl Harbor Attack was constituted. The Committee heard over ten million words of testimony and sat for 70 days of meetings. It struck very directly at the actions of military and civilian leaders during the early days of United States involvement in the war; but, in a sense, it served as a post-mortem examination rather than a diagnostic or corrective investigation.

#### THE POSTWAR PERIOD

The post-World War II period of "peace" has seen United States military forces actively engaged in: two wars undeclared by Congress; a heart-stopping nuclear confrontation with Soviet Russia; landings of US troops on foreign soil in the Mideast and the Caribbean; a limited armed incursion into one Southeast Asia nation; and, active combat support by other-than-land forces in a second such nation.

Under these circumstances, it is less than surprising that conflict continues at a very high pitch between the executive and legislative branches. The perennial question of the respective

prerogatives of each branch as they concern the military forces persists. Military affairs have been transformed from relative obscurity into an area of vital public concern.

These factors have precluded a return of the primary focus of attention of Congress to concentration on supply and technical activities of the military departments as had occurred in the post-World War I period. The concentration now is directed toward professional military matters and combat operations of the services as well as upon national policy and budgetary matters relating to them. The Joint Chiefs of Staff have found themselves much in the congressional eye. The congressional vigil against any possible further loss of control over the military--either to the President or to military leaders and the services themselves--has heightened.

It was in this context that the dismissal of General of the Army Douglas MacArthur occurred. A few years later, in the midst of a very unpopular war in Vietnam, General John D. Lavelle was relieved of his command. The resultant congressional reactions and full investigation of the circumstances in each instance was predictable.

#### General MacArthur

The career of Douglas MacArthur is undoubtedly without parallel in the history of the military forces of the United States; it is highly improbable that its like will again be seen. MacArthur grew up in an Army family on the Indian-fighting frontier where he learned to ride and shoot, in his own words, ". . . before I could read or



write."<sup>41</sup> His military career spanned an era which began with his having personal knowledge of frontier forts and garrisons placed to guard against Geronimo and his maundering Apache bands, and ended with armed forces under his command having nuclear weapons at their disposal. If ever a soldier "did it all" in the United States Army, it was Douglas MacArthur.

General MacArthur was graduated from the Military Academy in June 1903 as First Captain of the Corps and with a scholastic record which was to stand for years. He served in the Philippines as a young engineer officer; he accompanied his father, Major General Arthur MacArthur, as observer of the Russo-Japanese War and later spent 9 months on an assessment tour of the Far East and South Asia.

In 1906, he served as aide-de-camp to President Theodore Roosevelt while a student at the Engineer School of Application at Washington Barracks, now Fort McNair. In September 1913, as a captain, he was assigned to the Army General Staff as the junior member of its complement of 38 officers. He participated in the Vera Cruz Expedition of 1914.

As a major, once again on the General Staff, he participated with the Secretary of War, Newton Baker, in discussions with President Woodrow Wilson which led to the decision to utilize the National Guard as well as the Regular Army during America's participation in World War I.<sup>42</sup> MacArthur became, in turn, Chief of Staff, Commander of the 84th Infantry Brigade and finally, Commanding General--all with the 42nd "Rainbow" Division. He earned two awards of the

Distinguished Service Cross, the Distinguished Service Medal, and five Silver Stars during this period, as well as many foreign decorations.

On his return to the United States, General MacArthur became Superintendent of the Military Academy where he structured a major revision and updating of the curriculum. After another tour in the Philippines as a major general and brigade commander, he returned to assignments as Commander of the IV Corps in Atlanta and the III Corps in Baltimore. In the latter of these, he was detailed as director of the successful United States team for the 1928 Olympics.

Once again, MacArthur was posted to the Philippines, this time as department commander. From this assignment, he was selected by President Hoover to serve as Army Chief of Staff and was sworn in on November 21, 1930. After 5 years in that position, he became senior military advisor to the Philippines at the personal request of President-elect Manuel Quezon.

In 1938, after almost 39 years of service, General Douglas MacArthur retired from the United States Army and accepted a proffered appointment by the Philippine Congress as Field Marshal of the Philippines. On July 27, 1941, in a period of impending crisis, he was recalled to active duty as a lieutenant general (although he had retired as a full general) and designated Commanding General, US Army Forces in the Far East, an office he was to exercise "for the period of the existing emergency." He regained his fourth star in late December of the same year, subsequent to the Japanese invasion



of the Philippines. Three more years passed; and then, following the Leyte campaign, MacArthur was designated General of the Army, the highest rank afforded a military officer of the United States.

On August 15, 1945, the same day Japan's formal notification of surrender was received in the United States, Douglas MacArthur became Supreme Commander for the Allied Powers in the Pacific. In this capacity, he accepted the formal Japanese capitulation for the Allies aboard the battleship, Missouri, anchored in Tokyo Bay.

General MacArthur became America's first proconsul; he commanded the Allied occupation of Japan, controlled the destinies of eighty million Japanese people, and directed the national reconstitution along democratic lines. When the North Koreans invaded South Korea on June 25, 1950, Douglas MacArthur was 70 years old and had served half a century in the uniform of the United States Army.<sup>43</sup>

The Korean "police action" which followed the North Korean invasion was a limited war fought for limited objectives. It was a new experience for America and for Douglas MacArthur. Weighley compares it to the wars of Frederick the Great, but makes the point that ". . . it could not be fought in the strikingly passionless climate of Frederick's wars, and the resulting stresses . . . shook the very high command of the American Army and its relation to the civil power."<sup>44</sup>

The strange nature of the war brought the objectives of the President, Harry S. Truman, into sharp conflict with MacArthur's perceptions. Truman states in his memoirs:

Every decision I made in connection with the Korean conflict had this one aim in mind: to prevent a third world war. . . . This meant that we should not do anything that would provide the excuse to the Soviets and plunge the free nations into full-scale, all-out war.<sup>45</sup>

General MacArthur's entire knowledge of war and his concept of its purpose led him to a different view.

The American tradition had always been that once our troops are committed to battle, the full power and means of the nation would be mobilized and dedicated to fight for victory--not for stalemate or compromise.<sup>46</sup>

Huntington makes the point that MacArthur's,

. . . reaction to war was always extreme. 'You cannot control war; you can only abolish it,' he declared, rejecting vigorously the concept that 'when you use force, you can limit that force.' . . . Consequently, in war, full control . . . must be in the hands of the military commanders, and the nation must concentrate its complete trust in the military leadership.<sup>47</sup>

A recounting of the course of the Korean campaigns is beyond the scope of this paper; but the Joint Chiefs of Staff throughout deferred to MacArthur's experience, rank, and reputation, and to his intense preoccupation and emotional involvement with the Far East. Perhaps due to lack of positive opposition or rebuke from his military superiors, the General purported to believe he had their full support, even though he frequently overrode such guidance as they did issue.<sup>48</sup>

The deferential attitude of the Joint Chiefs was reflected in the general public. General MacArthur had remained an almost mystical figure. For Americans, he had come to epitomize the heroic stand by

American soldiers at Bataan and Corregidor, the successful island-hopping campaigns in the Pacific during World War II, and the image of the strong but beneficent ruler leading a fanatic, conquered race into the world of democracy. He had even been touted by many as a Republican nominee for the Presidency in 1948. He remained a remote figure for, although specifically invited by President Truman on several occasions, he had declined to return home.<sup>49</sup>

Huntington characterizes MacArthur as a soldier whose breadth exceeded the purely military.

From the start, MacArthur had been a brilliant soldier but always something more than a soldier: a controversial, ambitious, transcendent figure, too able, too assured, too talented to be confined within the limits of professional function and responsibilities.<sup>50</sup>

Perhaps due to these personal characteristics and to the solitary preeminence of the position he had for so long occupied, General MacArthur had a predilection for sweeping public pronouncements in explanation or justification of his actions or position. These came to be the major precipitating factors to his relief from his concurrently held positions of Supreme Commander for Allied Forces in the Far East; US Commander in Chief, Far East; and, Commander in Chief, United Nations Command. MacArthur himself never saw these public statements as intrusions outside the realm of his rightful responsibilities but alleged them to be reasonable, routine appraisals, reports, and correspondence.<sup>51</sup>

In view of his extreme popularity and powerful political support, it had always seemed inappropriate and perhaps even impossible

to reduce MacArthur to the status of a military subordinate to a civilian occupation governor in Japan although 5 years had elapsed since the surrender. Many have continued to conjecture, not always in favorable terms, in the years since General MacArthur's eventual relief, as to why he felt unconstrained in his public utterances. For example, Weighley sees him as ". . . a colossus astride Korea, enforcing his own sometimes intuitive command decisions even when his interservice planning staff objected, or even when the Joint Chiefs demurred. . . ."52

Truman believed that because MacArthur had for years been surrounded by virtually the same admiring coterie of subordinates and friends, he had deprived himself of constructive criticism and gained a slanted view of the situation which existed.<sup>53</sup> His earlier encounters with General MacArthur's public pronouncements toward the end of the war with Japan had perhaps also predisposed the President to distrust.<sup>54</sup> Rovere and Schlesinger saw in MacArthur a ". . . habit of addressing petulant letters and cables to newspapers . . . and politicians--the habit which was to develop almost into a mania after the outbreak of the Korean War."<sup>55</sup>

Most bitingly, and perhaps with a less than unbiased approach to his subject, a biographer of General George Marshall said of MacArthur:

Little by little, and perhaps unconsciously, he had come to view his directives as statements upon which he could exert his ingenuity. Like a scholar deciphering a polimpsest, he would interpret them according to his own established theories. . . . In such an

extremity, MacArthur behaved as one might suspect he would behave and his grandiose ambitions extended into fields of high politics, where he had little or no experience, and where he was always at a disadvantage because he was profoundly ignorant of the forces at work.<sup>56</sup>

The answer to the question of why General MacArthur chose the course which he did is undoubtedly more complex than these evaluations indicate. For example, he stated that he could see that Korea was developing into something other than the traditional fight to win and that there appeared to be ". . . a deliberate underestimation of the importance of the conflict to which the government had committed--and was expending--the lives of American fighting men."<sup>57</sup> His dilemma then became how to be true to his oath to the Constitution and serve the best interests of the United States while remaining faithful to the Administration in power. The Nation's interest would best be served in his opinion by "victory."

MacArthur construed that "victory" would be obtained by clearing North Korea, unifying and liberating it as he had Japan; by countering the threat of Communist China; by winning Asian support for the democratic cause; and, by offering Europe greater security ". . . because the line would have been held. . . ."<sup>58</sup>

General MacArthur could have resigned or retired and opposed the Administration's policy as a civilian. Some say he did not wish to end his distinguished military career with a defeat; it has been conjectured that he felt his appeals over the head of the Administration to the public and particularly to Congress could exercise more

leverage from the pinnacle of the authority of the Commander in Chief, Far East. One writer suggests, however, that MacArthur's influence on Congressmen was more apparent than real. "The 'victory school' [in Congress] might have found it necessary to invent a MacArthur had he not existed. Certainly a group existed in Congress whose broadly advocated Korean policies were consistent with MacArthur's presumed views."<sup>59</sup>

The conflict between President Truman and his military leader in the Far East appears to have been truly fundamental as well as a result of MacArthur's personality or habitual practices. There were marked differences of opinion concerning: Formosa and the possible utilization of Chiang Kai-shek's forces against Communist China; the extension of the war to the Chinese homeland through bombing of military and industrial targets north of the Yalu River; the unification of the Koreans; and, the relative overall importance of the Communist threats in Europe and the Far East. There were also allegations of a plan by MacArthur to use nuclear weapons to deny North Korea to the Chinese, which stirred grave international concern.<sup>60</sup>

The culminating blows fell in late March and early April of 1951. On March 20, General MacArthur was informed that President Truman would soon announce that he was willing to discuss suitable terms to end the continuing bloodshed as the North Koreans and Communist Chinese had suffered heavy casualties, and South Korea's territorial integrity was essentially restored. MacArthur was asked whether,

during the period of delicate negotiations with the Allied Governments involved, he would need any added authority to insure freedom to maneuver and maintain the security of his troops without further advance north of the 38th parallel. The commander replied that his present forces, operating within the limitations already imposed, could not in any event clear North Korea and that his current directives covered the situation quite well; MacArthur requested that no further restrictions be placed upon him.<sup>61</sup>

Truman submitted the proposed text to the governments concerned. It stated that the primary objectives of the United Nations Command had been achieved and that a settlement of the Korean situation would ". . . open the way for the consideration of other problems . . . by the processes of peaceful settlement envisaged in the Charter of the United Nations."<sup>62</sup> It did warn China that the war would continue if she failed to negotiate.

Much to the President's dismay, MacArthur issued on March 24 a "military appraisal" of the situation in which he stated that Red China was essentially finished and that she was not the military power she seemed. He added that the Korean problem could be resolved without consideration of "extraneous matters not directly related . . . such as Formosa and China's seat in the United Nations."<sup>63</sup> He offered to confer with the enemy commander and, most disastrously, suggested that if the Chinese would not accept his terms, the United Nations might carry the war to China itself with results which would "doom China to the risk of imminent military collapse."<sup>64</sup>

Harry Truman was appalled; Allied capitals rushed to inquire concerning this apparent shift in United States policy. The President was convinced the statement flouted his constitutional authority, his earlier directives to theater commanders to abstain from policy declarations, and the directives of the United Nations. It appears obvious that to have called upon China to admit her defeat was almost to insure her continuation of the war--a marked contrast to the expressed plan of the President. Spanier feels that this was MacArthur's true purpose.<sup>65</sup> At any rate, President Truman said, writing in 1956, "By this act MacArthur left me no choice--I could no longer tolerate his insubordination."<sup>66</sup>

More was to come. The Republican Minority Leader of the House of Representatives, Joseph Martin, released in Congress on April 5 a personal letter to himself from MacArthur which catalogued the General's dissatisfaction with the limitations imposed on him, with the perceived low national priority given Asia relative to that given Europe, and, in essence, stated that the Administration's strategy to limit the war in Korea was wrong. Although MacArthur did not request that the letter be kept private, he must have been aware that Martin, a vocal and partisan critic of the Administration, would make its contents known. Manifestly, a senior military commander does not normally disclose to an opposition political leader that he is in disagreement with his civilian Commander in Chief.<sup>67</sup>

On April 10, President Truman dismissed General MacArthur from all his commands. A national furor erupted--in the public, in the press, and in the Congress. MacArthur returned to a hero's welcome



everywhere he went. He was invited to address a joint session of the Congress where he delivered his famous "old soldiers never die" speech reporting on his perception of the situation in the Far East.

Congressional criticism of the President's action was vociferous and, in some instances, vituperative. The call for a full-scale investigation into the Administration's Far East policy could not be denied. Republicans wanted to convene a special committee for the purpose with equal representation from both parties and with hearings to be open to the public. The Democrats, coming strongly to the Democratic President's support now that the party die was cast, succeeded in gaining a compromise. The hearings would be conducted by the combined Senate Foreign Relations and Armed Services Committees under the chairmanship of Senator Richard Russell. The proceedings, which opened on May 3, were not open to the public; but the testimony was released after deletion of material which might endanger national security. They were to include more than two million words.<sup>68</sup>

General MacArthur was a willing and even voluble witness, but his attempt to make his case at the senatorial hearings on a purely military basis foundered on three major inconsistencies and weaknesses: he never abandoned his pose as theater commander nor accepted possible global repercussions from his proposals; he declined to accept Washington's assessment of Soviet intentions as it was based on "political intelligence," yet absolved himself for erroneously

forecasting that the Chinese would not intervene in Korea because that ". . . is not intelligence that is available to a commander. . . . That intelligence should have been given to me."; and, finally, since ". . . he and his military superiors were in agreement on the means of defeating the Chinese Communists, the President and his political appointees ought to stop 'interfering' with the professionals' conduct of the war."<sup>69</sup>

The Administration's rebuttal was offered, in part, by each of the Joint Chiefs of Staff. General Bradley's comment that MacArthur's ideas would involve the United States in the wrong war at the wrong time and with the wrong enemy is well known. It was supported strongly by General Hoyt Vandenberg of the Air Force who stated that the bombing of Manchuria would be "no more than pecking at the periphery," and the accompanying anticipated losses of air crews and aircraft would cripple the Air Force for years to come. Admiral Sherman scorned the idea of a blockade of China without support of the combined fleet of the Allies, which was unlikely to be secured.<sup>70</sup>

In sum, President Truman's position was vindicated. That he possessed legitimate authority to remove General MacArthur had never been questioned by the Congress--only the correctness and wisdom of his decision. Unfortunately, in the process of airing the issues during the hearings, almost every detail of America's Cold War strategy was made known to the Soviet Union. The central realization, that in a limited war victory is also limited, was almost overlooked in the Great Debate.<sup>71</sup>

In the end, the resentment against President Truman subsided; but he never regained full public approval or admiration. The question arose even in commentary from citizens following his death in late 1972. Although General MacArthur never truly lost the respect and admiration of the Nation, he was never to be a political issue of significance after the completion of the investigation.

#### General Lavelle

Environmental and personal differences seeming to approach several orders of magnitude separate John D. Lavelle from Douglas MacArthur; yet only 21 years elapsed between General MacArthur's dismissal from command and that of General Lavelle.

General Lavelle was relieved of command of the 7th Air Force in Southeast Asia on March 23, 1972; he was reduced in grade to major general and subsequently retired from active duty on April 7. He had not reached his four stars by way of a service academy education and years of active engagement in combat. Although apparently not a "blood and thunder" commander, he was a highly respected general officer with a record of unusual achievement in the US Air Force.

His military service began with enlistment as an aviation cadet in 1939, following his graduation from John Carroll University in Ohio. During World War II, he served in the European Theater of Operations as a fighter pilot.

Key management, logistical, and planning assignments highlighted General Lavelle's postwar career. As a lieutenant colonel, he was

one of two Air Force officers who participated in the interservice negotiations with representatives of all seven Army Technical Services from which came the agreements for the division of Army assets and the operating procedures to be effected during the constitution of the Air Force as a separate service. During the Korean War, Lavelle commanded an Air Force depot in Japan.

He served two assignments with Headquarters, US Air Force. In the first of these, from 1957 to 1962, he was Deputy Director of Requirements, Secretary of the Weapons Board, and Deputy Director of Programs. After a 2-year period, General Lavelle's second assignment found him as Director of Aerospace Programs and Deputy Chief of Staff for Programs and Resources. In each of these, he frequently came into contact with the Congress as he participated in the Air Force's defense of its requirements before interested congressional committees.

General Lavelle served as Deputy Chief of Staff for Operations for the 4th Allied Tactical Air Force of the North Atlantic Treaty Organization from 1962 to 1964. He returned to Europe in 1966 as commander of one of the US Air Force's major combat-ready operational organizations, the 17th Air Force, based in Ramstein, Germany.

Following this last assignment, John Lavelle undertook a key joint planning responsibility as Director of the Defense Communications Planning Group in Washington. His last assignment prior to assuming command of Air Force operations in Southeast Asia was as Vice Commander in Chief, Pacific Air Forces, in Hawaii.<sup>72,73</sup>

In each of these assignments, General Lavelle added to his growing reputation as a business-like officer who was fully committed

to the accomplishment of his assigned missions and to the welfare of the men under his command. His only previous rise to public attention occurred during one of his Washington assignments when, at the end of a fiscal year, he startled the United States Treasury by returning some \$700 million which remained unspent from his budget of \$2.3 billion<sup>74</sup>--certainly not a commonplace occurrence in the daily experience of the bureaucrats of the Federal Government.

Nothing in General Lavelle's personality or career would lead one to anticipate any outcome of the assignment as Commander of the 7th Air Force other than another success. Instead, it resulted in relief from command, reduction in grade, and separate investigations by committees of the House of Representatives and the Senate.

The Vietnam War, out of which these last events arose, has been characterized by one historian as the least popular of the major wars in the history of the United States.<sup>75</sup> It was an undeclared war in which substantial United States forces were actively engaged for over 8 years. What had been conceptualized as a relatively limited, shoring-up operation became "a massive and costly intervention which had significantly reduced American freedom of action, prompted severe strains in the US economy and society, absorbed much of the US defense budget, and weakened the US international position."<sup>76</sup> As such, it was of intense interest to a Congress which in 1971 and 1972 had become increasingly frustrated by national dissension, by its perceived lack of control or capability to influence the warring power and military activities, and by the overwhelming cost of the war in casualties and resources.

Vietnam was far different from the Korean War of the early 1950s. Like the Korean War, it was a limited war being fought against a tenacious, determined, and ever-shifting enemy. Unlike it, however, it was being fought to achieve announced objectives whose parameters often seemed to public and Congress alike to be ill-defined and irrelevant to any perceived vital self-interest of the United States; and its future course and final termination were, at best, dimly seen.

The details of the situation in which General Lavelle found himself are outlined in the congressional documents relative to the hearings conducted by the House<sup>77,78</sup> and the Senate,<sup>79</sup> in the continuing debate in Congress<sup>80</sup> and the commentary of the press. Essentially, the circumstances were as follows.

When General Lavelle took command of the 7th Air Force, he assumed responsibility for all Air Force air activity in Southeast Asia. The total overall responsibility for air operations in the Vietnam War was remarkably fragmented. Target selection and authorization to engage were at least in part defined by a complex combined structure of rules of engagement and assigned area responsibilities known as "route packages."

Four of these "route packages" were controlled by the Navy and three, the two northernmost and the southernmost, by the Air Force. General Abrams, the overall United States commander in Vietnam, was in the chain of command and reporting for only one of these, the southernmost package under Air Force control. For the other two,

command and control went directly from General Lavelle at 7th Air Force to the Commander in Chief, Pacific Air Forces. In the four areas controlled by the Navy, it went directly from the offshore Navy commander to the headquarters of Admiral John D. McCain, the Commander in Chief, Pacific, in Hawaii.<sup>81</sup>

Thus although General Lavelle, as Deputy for Air, was generally responsible to the Commanding General of the Military Assistance Command Vietnam and saw him almost daily during the period which became of concern, details of air operations were conducted on his cognizance as air commander. The charges which were levied against Lavelle arose from the direct control which he exercised.

A young Air Force sergeant assigned to Udorn Air Force Base in Thailand charged, in a letter to Senator Harold E. Hughes of Iowa which was written on February 25, 1971, that members of American photo-reconnaissance teams had been ordered to falsify classified reports concerning air missions over North Vietnam. Since the halt of bombing ordered by President Lyndon Johnson which began on November 1, 1968, United States pilots escorting unarmed reconnaissance aircraft over North Vietnam could attack enemy missiles, aircraft and antiaircraft gun sites only if first fired upon--so called "protective reaction" strikes. According to the sergeant's letter, aircraft crews were reporting hostile reactions with consequent protective reaction strikes when in fact strike missions were planned and carried out whether the enemy attacked or not.

The sergeant further stated that authorization for the falsification came by secure telephone communications from General Lavelle's headquarters from his Deputy for Operations, Major General Alton D. Slay.

Senator Hughes referred the letter to Senator Stuart Symington of Missouri, who passed it on to the Secretary of the Air Force for investigation. Both Senators were members of the Senate Armed Services Committee, and Senator Symington was a former Secretary of the Air Force.

On March 8, General John D. Ryan, Chief of Staff, US Air Force, received the letter and directed that the Air Force Inspector General, LTC Louis L. Wilson, personally investigate. General Wilson departed for Southeast Asia on March 9.

General Wilson reported to the Air Force Chief of Staff on March 23 that his investigations had confirmed the allegations. He had discussed the matter with General Lavelle, who had admitted their truth. General Ryan ordered General Lavelle to Washington for discussion of the report. In testimony before the Senate Armed Services Committee, General Ryan was later to say:

General Lavelle admitted to me that a limited number of strikes which had attacked military targets in North Vietnam had been inaccurately reported as protective reaction. He also admitted that he had ordered that crews could not report 'no reaction' when they expended ordnance in North Vietnam.<sup>82</sup>

General Ryan informed General Lavelle that he intended to recommend that he be relieved from command of the 7th Air Force,



be reduced and given an assignment elsewhere in his permanent grade of major general. General Lavelle, who had been receiving medical attention for severe arm pain and other physical complaints, requested on March 31 that he be retired from active duty. He was later to state in the Senate hearings that his relief and reduction rather than his health were the primary reasons for his request for retirement in his permanent grade. General Ryan accepted his request; General Lavelle underwent medical examination and evaluation and administrative processing and was retired effective April 7.

As is customary, the Secretary of the Air Force, following the recommendation of the Chief of Staff, recommended that General Lavelle be advanced on the retired list to the highest grade in which he had satisfactorily served. In this case, it was the determination of the Secretary that Lavelle's performance in the grade of lieutenant general had been outstanding while as a full general he had been less than satisfactory. His nomination for advancement to lieutenant general was routinely forwarded to the Senate for confirmation.

At the time of announcement of General Lavelle's retirement, the Air Force stated it was for "personal and health reasons." Rumors immediately began to circulate in Washington that the Air Force announcement was "less than complete."

On May 4, Congressman Otis G. Pike of New York requested that Congressman F. Edward Hebert, Chairman of the Committee on Armed Services of the House of Representatives, assign this matter to the Investigating Subcommittee for inquiry. Mr. Hebert granted the

request and initiated action in the Committee's staff and the Department of Defense.

The Department of Defense, responding to inquiries from newsmen and crediting General Ryan, issued the following statement on May 15:

Gen. John D. Lavelle was retired at his request for personal and health reasons. . . . He had been relieved of command of the 7th Air Force . . . because of irregularities in the conduct of his command responsibilities.<sup>83</sup>

The Department declined further comment on the grounds that the House of Representatives planned inquiry into the matter. This was the first public acknowledgment of any untoward circumstances surrounding General Lavelle's retirement.

The Investigating Subcommittee Hearing was held on June 12, 1972. In the words of Mr. Hebert, who chaired the proceedings, the facts and issues to be resolved were:

Precisely what was the nature of the alleged irregularities?

When and where did they take place?

What were the particular conditions or circumstances under which they occurred?

Exactly what command responsibilities were involved, and how did the alleged irregularities run counter to these responsibilities?<sup>84</sup>

During the 1-day hearing, it was disclosed that between 20 and 28 strikes had been made against missile sites, missiles on transporters, airfields, 122- and 130-millimeter guns and radars in the absence of any overt hostile action from the enemy. General Ryan

stated that it was determined that the impetus behind these strikes and the subsequent falsification of reports had come from General Lavelle. It was later learned that, in practice, reports of the actual details went to the headquarters of the 7th Air Force, and inaccurate reports covering the same strikes were sent to other higher headquarters concerned.

General Lavelle, on his part, admitted that as his aircrews were flying in an environment of optimum air defense ". . . I chose to make a very liberal interpretation of these rules of engagement. In certain instances against high priority military targets I made interpretations that were probably beyond the literal intention of the rules."<sup>85</sup> A substantial North Vietnamese buildup prior to an offensive and marked improvement in their radar and air defense capability were occurring at the time of the questioned missions.

General Lavelle believed he had acted within his authority and within the necessary area of judgment required by a commander in the field. In his concept, the fact that ground control intercept radars were netted with surface-to-air missile installations insured that the system was at all times activated against US aircraft, and therefore subject to protective reaction strikes. General Ryan's determination was that Lavelle's interpretation went beyond his authority and contradicted the directives and policies established by higher authority which were in effect at the time. There was also remaining the matter of the falsification of operational reports for which General Lavelle accepted responsibility,

stating, in essence, that the actions resulted from too literal interpretation of his general direction.

The tenor of the record of the proceedings of the House Investigating Subcommittee is friendly and nonjudgmental, with several of the members expressing their sympathy for the position and actions taken by General Lavelle. The brief report of the Subcommittee was not issued until December 15, 1972, but it was essentially supportive of General Lavelle.<sup>86</sup>

One newspaper quoted Chairman Hebert as stating, "Lavelle fought the kind of war I was saying should be fought six years ago. . . . Whether it was legal or not is up to how you read the facts."<sup>87</sup> Another writer felt the Committee had come to view the whole question about breaking rules concerning protective reaction as academic in the wake of the almost immediately following North Vietnamese Easter offensive of 1972.<sup>88</sup> The rules of engagement had been liberalized by President Nixon in response to the offensive in order to permit bombing of the types of targets which were struck in the earlier unauthorized attacks.

Some questions still remained and some doubt lingered in the minds of individual Congressmen and the press which led to the far more extensive hearing by the Senate Armed Services Committee. In his testimony, General Lavelle had said he thought that General Abrams ". . . knew what I was doing," although he did not say the Commanding General told him to take the actions he did or to file false reports.<sup>89</sup> In addition, his brief testimony had indicated that the Chairman of the Joint Chiefs of Staff, Admiral Thomas H.

Moorer, had discussed one of the questioned raids with Lavelle the day before it occurred and implied that Admiral Moorer had in fact coordinated with the Navy to allow the Air Force to strike the particular target which lay within one of the Navy-controlled "route packages." Testimony on this latter question is conflicting.

A meeting had been held in which representatives of the Joint Staff had allegedly urged Lavelle to be more aggressive within the authority which he had. The routine command chain of the Navy, charged with deep penetration missions in four of the "route packages" in North Vietnam, went directly to Admiral McCain in Hawaii. Admiral McCain also had retired in the interim. The question became: Did any of these officers or other seniors in the chain of command share responsibility for General Lavelle's disregard of directives from civilian leaders in Washington?

The Senate Armed Services Committee was due to act upon the nomination of General Abrams to be Army Chief of Staff. It could not logically approve that nomination until this question had been cleared. The Committee also considered the routine nominations of General Lavelle and Admiral McCain for promotion on the retired list at the same time.

The Senate hearings, chaired by Senator John C. Stennis of Mississippi, were much more intensive, detailed, and broad of scope than those of the House. They covered 9 days of testimony and terminated on September 29, 1972, primarily due to pressure to report out the matter of General Abrams' nomination prior to adjournment of the Congress. The Army had been without a Chief of Staff for

several months, and a determination of General Abrams' status seemed essential.

Although the hearings were closed to the public, Senator Stennis daily met with the press and summarized key points developed during the sessions; accordingly, the issues were extensively reported and kept in the public eye. Important related peripheral questions surfaced, to include: the availability and credibility to enlisted personnel of the Inspector General system in local commands, the administration of physical disability retirements among high ranking officers, and the overall reliability of the military command and control system. The hearings also disclosed that Navy aircraft had been involved in similar unauthorized bombing activities during the same timeframe as those which occurred in General Lavelle's command.<sup>90</sup>

In the end, the Armed Services Committee of the Senate denied the symbolic promotion for General Lavelle, but did approve the nomination of Admiral McCain to full admiral on the retired list. The Committee's favorable report on the confirmation of General Abrams was presented on the Senate floor on October 11, 1972, by Senator Stennis. In the 6 hours of debate which ensued, the clear discontent of several senators and of committee members themselves, with certain aspects disclosed in the investigation, became apparent. General Abrams was cleared of any apparent involvement with General Lavelle's actions and his nomination as Chief of Staff of the Army was confirmed. Substantial opposition was raised by Senator William Proxmire of Wisconsin and Senator Margaret Chase Smith of Maine,

ranking Republican member of the Armed Services Committee, charged General Abrams of nonfeasance in the exercise of his responsibility. This last appeared as an attachment to the Committee's report on the nomination of General Abrams.

John Lavelle is retired, and the most recent official charges against him--court-martial charges separately brought by a young Air Force Academy graduate and by the writer of the original letter to Senator Hughes accusing him of willfully disobeying a lawful order and falsifying official documents<sup>91</sup>--were dismissed. The Secretary of Defense, Melvin Laird, began several actions designed to prevent a recurrence and to address the peripheral and substantive questions raised by the Senate hearings and debate.<sup>92</sup>

The residual impacts of the Lavelle affair continue to have disquieting effects on the public, the military services, the executive branch, and the Congress. They will probably be felt by the military services for a considerable period of time. It is useful to consider these possible impacts as exemplified by the words of some of those who are concerned.

Senator Hughes, speaking on the floor of the Senate, remarked:

The basic issue is whether civilians have lost control over the military and the military has lost control over itself . . . the record . . . contains evidence of military disregard of explicit orders . . . and of a breakdown caused by falsified reports, in the control and monitoring systems. . . . The overriding concern . . . is the legitimate fear that it could all too easily happen again.<sup>93</sup>

A Washington newspaperman, speaking shortly after the House hearings, voiced the empathy and concern of the informed citizen for

the position of the military commander in such a setting while condemning the actions themselves.

What is a man to do if he thinks there is no substitute for victory, yet lives in a world where there is no possibility for victory? . . . He suffered the frustration of our military all through this war, of fighting with his hands tied. . . . The gravity of the offense and the ease of its condoning, raises the serious question faced, toward the end, by the French Army: if the nation has 'betrayed' its Army, may that Army betray the nation? I think honorable treatment for Lavelle constitutes an answer to that question, and the answer given is: yes. That is why it is important to punish him. He disobeyed orders, and then lied about his disobedience--and what else does it take, in a professional soldier, to merit punishment?<sup>94</sup>

James Reston, commenting on the effect of Lavelle's action on morale and discipline, seems to indicate that the press will remain watchful.

As General Lavelle saw it, the men under him were obliged to carry out his orders, but he felt free to defy or 'interpret' the orders of his commander-in-chief . . . and his military superiors as he pleased.<sup>95</sup>

Another respected news analyst offered the thought that the immediate casualty ". . . is the concept that the highest ranking military or civilian authorities have ultimate command and control. . . ."<sup>96</sup> This thought alone is sufficient to disturb the rest of responsible leaders, military and civilian.

An editorialist furthered this last comment when he said,

The disturbing questions of command and control raised . . . also require scrutiny in the Congress as part of its Constitutional duty 'to make rules for the government and regulation of the land and naval forces.'<sup>97</sup>



A final comment from the civilian press which has probable implication for the executive branch in its effort to gain support for its foreign policy is:

Not the least of Lavelle's sins is that his conduct has given the antiwar careerists another stick with which to beat the whole concept of collective security in the world.<sup>98</sup>

The expressed concern is not limited to press and members of the Congress. General Abrams himself stated during his testimony:

If I or any other commander of similar rank picks and chooses among the rules, his subordinates are then going to pick and choose among the rules he gives them. There is no way to stop it, and as long as this is the way the mission must be performed, you must adhere to it or it will unravel in a way that you will never be able to control.<sup>99</sup>

Sergeant Lonnie D. Franks, the young airman who first reported the unauthorized raids, voiced what is probably the deepest and most fundamental concern for military leaders when he said:

To falsify a report is an extremely grave matter. Commanders can't make correct decisions if they are receiving false reports. We lied to the press all the time. But to ourselves?<sup>100</sup>

## CHAPTER III

### FOOTNOTES

1. Louis Smith, American Democracy and Military Power, pp. 245-252.

2. Dale O. Smith, U.S. Military Doctrine, pp. 4-35, presents an interesting development of the process by which a military concept becomes a legitimized element of national military policy.

3. Louis Smith, p. 153, defines these terms generally as follows:

Legal: A policy made by responsible members of government in harmony with the Constitution and by proper process; consistent with constitutional traditions for the conditions which prevail at the time.

Appropriate: Policy and administrative programs give reasonable promise of success.

Acceptable: Policy and procedures are consistent with preponderant opinion of the public and receives its general compliance.

4. Ibid., pp. 225-226.

5. Ibid., pp. 173-174.

6. Russell F. Weighley, History of the United States Army, pp. 91-92.

7. US Congress, Annals of Congress, 2d Cong., 2d sess., March 27, 1972, pp. 493, 1113, quoted by Louis Smith, p. 177.

8. Major James Jacobs and Glenn Tucker, The War of 1812--A Compact History, p. 14.

9. Louis Smith, pp. 183-186.

10. Ibid., p. 193.

11. Weighley, pp. 177-178, 189.

12. Samuel Huntington, The Soldier and the State, p. 183.

13. W. W. Pierson, "The Committee on the Conduct of the Civil War," American Historical Review, April 1918, p. 560.

14. T. Harry Williams, "The Committee on the Conduct of the War: An Experiment in Civilian Control," Journal of the American Military Institute, Fall 1939, pp. 144-146.

15. Huntington, p. 183.

16. Ibid., p. 206.

17. Louis Smith, p. 201.

18. Pierson, pp. 561-563.

19. Burton J. Hendrick, Lincoln's War Cabinet, pp. 281-282.

20. Ibid.

21. Williams, pp. 144-146.

22. Ibid., pp. 142, 149.

23. Leonard P. Curry, Blueprint for Modern Americans: Nonmilitary Legislation of the First Civil War Congress, p. 232.

24. US Congress, Report of the Joint Committee on the Conduct of the War, Vol. I, pp. 3-66.

25. Materials reflected in this section are drawn from several sources. The most important are: Weighley, pp. 191, 242-248; Williams, pp. 139-156; Pierson, pp. 551-552, 567-570; Hendrick, pp. 284-312; Alonzo Rothchild, Lincoln, Master of Men, pp. 327-422. Specific citations are made for key points or direct quotations.

26. Williams, p. 155.

27. Hendrick, pp. 286-287.

28. Rothchild, p. 335.

29. Hendrick, p. 305.

30. See for example, Warren W. Hassler, Jr., "High Command Problems in the Civil War," in Essays in Some Dimensions of Military History, ed. by Don Rickey, Jr. and B. F. Cooling, III, pp. 67-69.

31. Curry, pp. 230, 243.

32. Louis Smith, pp. 204-206.

33. Williams, pp. 155-156.

34. Weighley, p. 255, quotes Harry S. Truman, Memoirs, Vol. 1, p. 168.
35. Ibid., pp. 305, 310-311.
36. D. W. Brogan, "The United States, Civilian and Military Power," in Soldiers and Governments, ed. by Michael Howard, p. 178.
37. Louis Smith, pp. 207-210.
38. Huntington, pp. 403-414.
39. Louis Smith, pp. 221-225.
40. Huntington, p. 325.
41. Douglas MacArthur, Reminiscences, p. 15.
42. Ibid., pp. 45-46.
43. MacArthur is the source of the cited biographical data.
44. Weighley, p. 512.
45. Harry S. Truman, Memoirs: Years of Trial and Hope, Vol. 2, p. 345.
46. Douglas MacArthur in A Soldier Speaks: Public Papers and Speeches of General of the Army Douglas MacArthur, ed. by Major E. Whan, Jr., pp. 334-335.
47. Huntington, p. 371.
48. Weighley, pp. 513-514.
49. Harry S. Truman, pp. 341, 363, 447.
50. Huntington, p. 369.
51. See for example, MacArthur, Reminiscences, pp. 338, 340, 341-344, 368; for another view, see also, Margaret Truman, Harry S. Truman, p. 494.
52. Weighley, p. 512.
53. Harry S. Truman, p. 416.
54. Margaret Truman, pp. 292, 474-476.

55. Richard H. Rovere and Arthur M. Schlesinger, Jr., The General and the President, p. 93.

56. Robert Payne, The Marshall Story, p. 316.

57. MacArthur, Reminiscences, p. 363.

58. John W. Spanier, The Truman-MacArthur Controversy and the Korean War, pp. 230-233.

59. Charles Augustus Lofgren, Congress and the Korean Conflict, pp. 169-170.

60. Spanier, pp. 188-207.

61. Harry S. Truman, pp. 438-440.

62. Ibid., p. 440.

63. Ibid., p. 441.

64. Ibid.

65. Spanier, p. 202.

66. Harry S. Truman, p. 442.

67. Spanier, pp. 202-203; see also, MacArthur, Reminiscences, p. 386; Harry S. Truman, pp. 445-447; Payne, p. 317; and Weighley, p. 517.

68. US Congress, Senate, Armed Services and Foreign Relations Committees, Military Situation in the Far East, 82d Cong., 1st sess., 1951.

69. Spanier, p. 236.

70. Margaret Truman, p. 517.

71. Robert Leckie, The Wars of America: San Juan to Tonkin, p. 387.

72. US Congress, House, Unauthorized Bombing of Military Targets in North Vietnam, Hearings, before the Armed Services Investigating Subcommittee on Armed Services, House of Representatives, 92d Cong., 2d sess., 1972, pp. 5-6 (hereinafter referred to as "Congress, Unauthorized Bombings, Hearings").

73. George C. Wilson, "The Lavelle Case," The Atlantic, December 1972, pp. 6-27. This article contains an excellent summary of the events associated with General Lavelle.

74. "A Businesslike General, John D. Lavelle," New York Times, June 14, 1972, p. 20.

75. Harry L. Coles, "Unpopular Wars and Military Operations," in Essays in Some Dimensions of Military History, ed. by Don Rickey, Jr. and B. F. Cooling, III, p. 154.

76. Zbigniew Brzezinski, "How the Cold War was Played," Foreign Affairs, October 1972, pp. 195-196.

77. Congress, Unauthorized Bombing, Hearings.

78. US Congress, House, Unauthorized Bombing of Military Targets in North Vietnam, Report of the Armed Services Investigating Subcommittee of the Committee on Armed Services, House of Representatives, 92d Cong., 2d sess., 1972 (hereinafter referred to as "Congress, Unauthorized Bombing, Report").

79. US Congress, Senate, Nomination of John D. Lavelle, General Creighton W. Abrams, and Admiral John S. McCain, Hearings before the Committee on Armed Services, United States Senate, 92d Cong., 2d sess., 1972 (hereinafter referred to as "Congress, Nomination of John D. Lavelle, Hearings").

80. US Congress, Senate, "The Nomination of General Creighton W. Abrams to be Chief of Staff, US Army," Congressional Record, Vol. 118, No. 163, October 11, 1972, pp. S17509-S17541 (hereinafter referred to only in specific single quotations from the debate).

81. US Congress, Senate, Senator Stennis speaking on the matter of the nomination of General Creighton W. Abrams to be Chief of Staff of the US Army, 92d Cong., 2d sess., October 11, 1972, Congressional Record, Vol. 118, No. 163, p. S17511.

82. Congress, Nomination of John D. Lavelle, Hearings, p. 243.

83. Congress, Unauthorized Bombing, Hearings, p. 2.

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## CHAPTER IV

### THE GENERALS: COMPARISONS AND OBSERVATIONS

An attempt to compare events separated in time by the passage of more than a hundred years is fraught with difficulty and hazard. When the period in question is that which lies between the mid-nineteenth century and the seventh decade of the twentieth, the occurrences fall within eras almost as different as if a millennium had transpired. The reliefs from command of Generals McClellan, MacArthur, and Lavelle appear to have arisen from similar root causes which are reflective of the differing contexts of their times. The same contexts also provide the prime motivators for the interest of the President and the Congress in each of the generals.

#### COMPARISONS

George McClellan's relief from command and his relations with the Congress and the President reflect a period when political differences of opinion were of a long-standing and extremely bitter nature; where a professional military officer was suspect by many, especially if he was erudite and polished; when emotion was high and reason often obscured in the heat of political strife; and, when verbal restraint was not a public or private virtue.

His congressional examiners perceived McClellan as less than fervent in the conduct of what was to them an ideologically-based military crusade to remove a moral blight--slavery--from the face



of society in the United States. In the view of the Committee on the Conduct of the War, this moral end justified the use of any means required to secure the removal of the reluctant general.

As an exercise in civilian control over the military forces and military commanders, McClellan's relief resulted not from an over-extension of his military authority but, rather, from the fact that he did not exercise his legitimate options to the degree desired by the more conservative Commander in Chief, much less the radical members of the legislative branch.

Douglas MacArthur's relief from command occurred not because he was either too aggressive or too dilatory in the conduct of combat with the enemy. It arose rather from a conflict between the foreign policy of the United States as established by the President and a proposed different course of action publicly advocated by the general.

MacArthur was a charismatic figure whose concern for his country was very real but whose judgment may have become somewhat clouded due to isolation from the mainstream of international affairs and to a perhaps natural over-reliance on his own evaluative processes and experience. He had, after all, been Chief of Staff of the Army when other contemporary general officers were captains or majors, and President Truman an unknown county politician in his first term as Senator from an obscure midwestern state. Whatever his reasons, General MacArthur transgressed Presidential prerogatives and raised very real doubt of the ultimate control of his military operations by the civilian authority.

The role of military forces in the United States is to uphold and protect the Constitution in direct subordination to the authority of the President as commander in chief and in indirect subordination to the regulatory powers of the Congress. The military commander does not have the option to embark on or publicly espouse a foreign policy which differs from that of the President. In the event of a disagreement, the general or admiral is obliged to make his professional judgment directly known to the Commander in Chief by appropriate official means and not through the public media or others in the government. If his views do not prevail and he cannot conscientiously carry out the desires of the President, the commander's recourse is to resign or retire before continuing his protest. Generals James M. Gavin, Matthew Ridgway, and Maxwell Taylor are modern examples of those who chose this path.

General MacArthur was relieved because he failed to follow these basic tenets of the American military professional. No matter how vocal its objections to his removal, the subsequent interest of the Congress apparently was more focused on General MacArthur's possible usefulness as a political tool to be employed against a President whose policies it opposed than on the question of a violation of civil control over military forces.

Perhaps because of the lack of a perspective granted by the passage of years, the case of General Lavelle is not easy to attempt to assess. Differences of opinion and a lack of precise detailed clarification of what actually transpired are evident in the unclassified congressional testimony. There existed an apparently

well-founded fear on the part of many members of the Congress that a high-ranking United States military officer had, for whatever reason and from whatever motivation, purposefully and directly acted in contradiction to operational policies established by the military civilian authorities and his military superiors. His actions extended bombing attacks on the enemy beyond established parameters. No question was raised that the chosen targets were other than proper military ones which under normal wartime circumstances should most desirably have been destroyed.

The question of conflict between the executive and the legislative branches is a major factor in the Lavelle congressional hearings; the Congress was extremely frustrated over the dragging on of a war which it had not declared, from which it desperately wished the United States to be freed, and for which it blamed the executive actions of three Presidents. The public climate of opposition to the Vietnam War, the pressures from press and other public media, the social and economic rents and stresses in the fabric of the Nation blamed on the War--these also contributed to the close congressional and public scrutiny to which General Lavelle's actions were subjected after he had been relieved of his command by his military superiors.

Thus one general is relieved because he is not effective and aggressive enough in the pursuit of his responsibilities; another because he publicly opposed the President's foreign policy and his statements interfered with its execution; and a third because he took militarily indicated actions which exceeded his military authority.

## OBSERVATIONS

Three common threads seem to run through the fabric of these stories. The most forceful single factor evident in each is the continuing conflict and contention between the executive and legislative branches of the government as each exercises its constitutional powers as it perceives appropriate. The attitude of Congress toward military commanders and the degree of detailed surveillance it exercises over military forces and military operations have particularly tended to reflect the contemporary heat of that conflict.

The second most strongly recurring element in each instance is the expressed concern of executive and legislative branches alike to insure continued civilian control of the military forces of the country--historically a basic theme of the American political experience.

A possible third common element in the affairs of Generals McClellan, MacArthur, and Lavelle is found in the dilemma faced by each as a senior military commander when his best professional judgment brought him to conflict with a major element of the policy, guidance or expressed desires of his civilian superiors. The attempt of each general officer to resolve his personal conflict was manifested in part by the actions which ultimately resulted in his relief from command.

Probably the reason the actions of General Lavelle went undetected in the most recent instance until reported by Sergeant Franks, and that the cases of Generals McClellan and MacArthur are so well known,

is that such actions on the part of senior American military officers are almost without precedent. One writer had said:

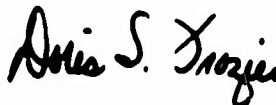
The American military are distinguished from European models in one important respect. Power is always limited by the . . . self-restraint of our military men. The possession of power is modified and influenced by a lifetime of discipline within civilian control.<sup>1</sup>

In the final analysis, the greatest check on the American military commander's actions must continue to lie in his professional training, self-discipline, and restraint. These qualities are especially vital to the highest levels of command as outside controls can rarely be effectively applied.

It is unlikely that the strife between the executive and legislative branches of the Federal Government will perceptibly lessen in the future short of a complete overturn of the concept of the separation of powers. Prior to the active American involvement in the Vietnam War, some had seen a beginning trend toward a lessened fearful emphasis on civilian control over military forces of the United States.<sup>2</sup> This was rising, in one author's opinion, from three factors: the increasing professionalization of civilian leaders in military matters; the changing character of military leadership resultant from a broader base of officer recruitment, higher military education and military promotion selection policies which reflected individual potential rather than seniority; and, a new shape of national security ". . . in which military affairs are no longer a monopoly of the military and a clean-cut division between matters of war and peace, between foreign and military policies is a false and misleading notion."<sup>3</sup>

Although these factors still pertain in 1973, the attention of the Congress, civilian defense leaders of the executive branch, the press, and public media has been sharply redirected to measures designed to insure a closer surveillance of the operational acts of high military commanders. The free exercise of professional military judgment in operational military matters has been made more difficult.

No matter how well motivated, General Lavelle's decision to cause forces under his command to attack unauthorized targets in North Vietnam has produced an exacerbation of the old fears and given new life to the old specters. Perhaps more importantly, it has also produced a severe setback to the beginning trend noted above and to the desire of the American military officer to have his professionalism and military judgment both accepted and respected by his civilian superiors.



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## CHAPTER IV

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